

NO. 22.

PAPERS FROM THE SOCIETY

FOR THE

DIFFUSION OF POLITICAL KNOWLEDGE.

S. F. B. MORSE, Pres.

C. MASON, Cor. Sec., 13 Park Row

Freedom of the Press wantonly violated,

LETTER OF MR. MARBLE TO PRESIDENT LINCOLN,

Reappearance of the Journal of Commerce,

OPINIONS OF THE PRESS ON THIS OUTRAGE.

*TO HIS EXCELLENCY, ABRAHAM,  
LINCOLN,  
President of the United States.*

SIR: That the King can do no wrong is the theory of a monarchy. It is the theory of a constitutional republic that its chief magistrate may do wrong. In the former the ministry are responsible for the King's acts. In the latter the President is responsible for the acts of his ministers. Our Constitution admits that the President may err in providing for a judgment upon his doings, by the people, in regular elections. In providing for his impeachment, it admits that he may be guilty of crimes.

In a government of laws, and not of men, the most obscure citizen may, without indecorum, address himself to the Chief Magistrate, when to the Constitution whence you derive your temporary power and be the guaranty of his perpetual rights, he has constantly paid his unquestioning loyalty, and when to the laws, which your duty is to care for a faithful execution of, he has rendered entire obedience.

If the matter of his address be that in his person, property and rights, the Constitution

has been disregarded and the laws disobeyed; if its appeal to the principles of justice be no more earnest than the solicitude of its regard for truth, and if the manner of his address be no less temperate than firm, he does not need courtly phrases to propitiate an attentive hearing from a magistrate who loves his country, her institutions, and her laws.

In THE WORLD of last Wednesday morning was published a proclamation, purporting to be signed by your excellency and counter-signed by the Secretary of State, appointing a day of fasting and prayer, and calling into military service by volunteering and draft four hundred thousand citizens between the ages of eighteen and forty-five. That proclamation was a forgery, written by a person who, ever since your departure from Springfield for Washington in 1861, has enjoyed private as well as public opportunities for learning to counterfeit the peculiarities of your speech and style, and whose service for years as a city editor of the New-York *Times*, and upon the New-York *Tribune*, acquainted him with the entire newspaper machinery of the city,

and enabled him to insert his clever forgery into the regular channels by which we receive news, at a time when competent inspection of its genuineness was impossible and suspicion of its authenticity was improbable. The manifold paper, resembling in all respects that upon which we nightly receive from our agents news, and from the government itself orders, announcements, and proclamations, was left with a night clerk about 3 or 4 o'clock in the morning, after the departure of every responsible editor, and was at once passed by the night editor into the hands of the printers, put in type, and published. No newspaper in the country but would have been deceived as we were!

Our misfortune was complete. At an early hour, however, before the business of the city had fairly begun, it was discovered that we had been imposed upon, and were being made to appear the instruments of a deception of the public. There was no delay in vindicating our character. Our whole machinery for spreading news was set in motion instantly to announce that we had been deceived by a forgery—that your excellency had issued no proclamation. The sale of papers over our counters was stopped. Our bundles to the Scotia, bound for Europe that day, were stopped. The owners' and purser's files were stopped. News-room bundles and files were stopped, and the agent of the line was informed that the proclamation was a forgery. Our printers and press men were brought from their homes and beds to put in type and publish the news of our misfortune. Our bulletin-boards were plastered with the offer of reward for the discovery of the forger; and to the agent of the Associated Press I sent a telegram reciting all the facts, for him to transmit at once to nearly every daily paper in the North, from Maine to California. Thus, before the Scotia sailed, before your Secretary of State had officially branded the forgery, the wings which we had given to Truth had enabled her to outstrip everywhere the falsehood we had unwittingly set on foot, and in many places the Truth arrived before the forger had come to tell his tale.

For any injury done to ourselves, to the government, or to the public, this publicity was ample antidote. It indeed made injury impossible.

But the insult to your excellency was the greater in proportion to the eminence of your station. Early in the afternoon of Wednesday, therefore, I went with Mr. WM. C. PRIME, the chief editor of the

<sup>2</sup> *Journal of Commerce*, which had been deceived precisely as we were, to the headquarters of the Department of the East, and we laid before the commanding general every clue in our possession which could lead to the discovery of the guilty persons. All the facts above recited were telegraphed at once to you, through the Secretary of War, by General DIX. I assert our utter blamelessness. I assert, moreover, that I have never known a mind so prejudiced, in which acquaintance with these facts would not enforce the conviction of our utter blamelessness.

Here was the absence of an intent to do wrong; here was an antidote for an injury unwittingly assisted, more complete and effectual than the injury itself; here was alacrity in search of the wrong-doer, and assistance rendered to your subordinate to discover the author of the insult done to you.

With these facts set fully before you by the General commanding this department, you reiterated an order for my arrest and imprisonment in Fort Lafayette; for the seizure and occupation of THE WORLD office by a military guard, and the suppression of its publications. The *Journal of Commerce*, its editors and publishers, were included in the same order.

I believe, though I cannot state of my own knowledge, that to the commanding general's assertion of our entire blamelessness it was owing that the order for our arrest and incarceration was rescinded. But the order for the suppression of THE WORLD was not rescinded. By your command General DIX sent a strong military force to its publication office and editorial rooms, who ejected their occupants, and for two days and three nights held possession there, injuring and abstracting some of their contents, and permitting no one to cross the threshold.

Not until Saturday morning did this occupation cease. Not until to-day has THE WORLD been free to speak. But to those who have ears to hear, its absence has been more eloquent than its columns could ever be.

To characterize these proceedings as unprecedented, would be to forget the past history of your administration; and to characterize them as shocking to every mind, would be to disregard that principle of human nature from which it arises, that men submitting once and again to lawless encroachments of power, with every intermission of a vigilance which should be continual, lose something of the old, free, keen sense of

their true nature and real danger. CHARLES was doubtless advised to, and applauded for, the crimes by which he lost his crown and life. Nor can you do any so outrageous, oppressive, and unjust a thing that it will not be applauded by those whose prosperity and power you have created and may destroy.

To characterize these proceedings as arbitrary, illegal, and unconstitutional, would seem, if such weighty words have not been emptied of all significance, to beset better an hour at which you have not arrived, and a place where not public opinion, but the authority of law speaks, after impeachment, trial, conviction, and judgment.

But, sir, the suppression of two daily journals in this metropolis—one the organ of its great commercial public, the other a recognized exponent of the Democratic principles which are shared by half or nearly half your fellow-citizens—did shock the public mind, did amaze every honest and patriotic citizen, did fill with indignation and alarm every pure and loyal breast. There were no indignation meetings, there were no riots, there was no official protest. But do not imagine, sir, that the Governor of this state has forgotten to do his duty; do not imagine that the people of this city or state, or country have ceased to love their liberties, or do not know how to protect their rights. It would be fatal to a tyrant to commit that error here and now. A free people cannot need devise means to teach their chief magistrate the same lesson.

To you, sir, who have by heart the Constitution which you swore to "preserve, protect, and defend," it may be an impertinence to cite those natural and chartered rights, therein enumerated, among which are these. That the people shall be secure in their persons, houses, papers and effects, against unreasonable seizures, and that no warrant even shall issue, except upon probable cause supported by oath, and particularly describing the place to be searched and the persons or things to be seized; that no person shall be deprived of life, liberty or property without due process of law; yet these are the most priceless possessions of freemen, and these you took away from me.

Even a captured and guilty criminal who knew that his crime would be proved, and that the law would assuredly visit upon him condign punishment, might with propriety plead these rights and demand of the chief magistrate to throw over him these shields. Assaulted by the bayonets of a military commander, he might protest and assert his inalienable right to the orderly

processes, the proof, and the punishment of the law. But has the Saxon tongue any terms left for him to use, who, being the victim of crime, has been made also the victim of lawless power?

It is the theory of the law that after the commission of any crime, all proceedings taken before trial shall be merely preventive; but the proceedings taken against THE WORLD were of the nature of a summary execution of judgment. Would trial by law have been denied, would the law itself have been set aside for the bayonet, would a process as summary as a drum-head court-martial have been resorted to by you, in a peaceful city, far from the boundaries of military occupation. Had the presses which consistently applaud your course been, as we were, the victims of this forgery? Had the Tribune and Times published the forgery (and the Tribune candidly admits that it might have published it and was prevented only by mere chance) would you, sir, have suppressed the Tribune and Times as you suppressed THE WORLD and Journal of Commerce? You know you would not. If not, why not?

Is there a different law for your opponents and for your supporters?

Can you, whose eyes discern equality under every canopy, be blinded by the hue of partisanship?

THE WORLD had sustained the government in its struggle to preserve our imperiled nationality. It had helped inspire the martial spirit of the people, and encourage them to the sacrifices they have so nobly made. It had advocated those measures of financial policy which could best preserve the tone and vigor of the government in the contest. It had deserved well of the Republic, and of those who love it.

But it also exposed and denounced the corruptions attendant upon your administration. It had opposed a delusive and enervating system of paper money. It had vindicated the fame of a patriot general, whom you had removed from command on the eve of victory. It had deprecated your re-election. Did you not find in these facts the provocations to your wrong and your persistence in wrong? Had you not made up your mind against us before the underling, your partisan, had concocted his plot? When you answer these interrogatories, I will produce the proof of threats made against us by those nearest you, and assuming to exert your prerogative, before this trick of forgery furnished you with the specious pretense of an accusation.

Can it be possible, sir, that for a moment you supposed that journals like ours could afford to be guilty of this forgery? Let the unanimous voice of your own press answer. Such a trick would hardly have succeeded in Sangamon county, Illinois. For a party which is about to go before the people, and ask them to commit to its hands the administration of affairs, which has been more generous and forbearing to your errors than you have been just to its guides, permit me to say, that it was less possible to be true of any one of them than it was of any man, high or low, who suspected them.

And so the end has proved. The confessed and guilty forgers were your own zealous partisans. JOSEPH HOWARD, Jr., who has confessed his crime, was a Republican politician and Loyal Leaguer, of Brooklyn. Consider, sir, at whose feet he was taught his political education, and in whose cause he spent his political breath. Mr. HOWARD has been from his very childhood an intimate friend of the Republican clergyman, HENRY WARD BEECHER, and a member of his church. He has listened year in and year out to the droppings of the Plymouth sanctuary. The stump speeches which there follow prayer and precede the benediction he for years reported in the journal which is your devoted organ in this city. For years he was the city editor of that journal, the *New-York Times*; for a long time he was the Washington correspondent of the chief abolition newspaper of the country, the *New-York Tribune*; he has been a frequent contributor to the columns of the *Independent*; he journeyed with you from Springfield to Washington; he represents himself a favored visitor at the White House since your residence there.

By a curious felicity the stylus with which his amanuensis copied on tissue paper the proclamation and signed your name was abstracted from the editorial rooms of the *Tribune*. The party principles upon which you were pledged to administer the government have been the daily meat and drink of this forger. The stock-brokers who were his confederates will be found to be of the same kidney. They have all denounced as faithfully as you the party by whose defeat you rose to power. They have been the noisy champions of an exclusive loyalty; they have preached in club-houses and at street corners those politics which stigmatize constitutional opposition to the administration as disloyalty to the government. They all advocated a paper-money legal tender; they have all countenanced the

paper inflation; they have all been heedless of the misery to poor men which such inflations breed; they have all rejoiced at the speculation thus fostered, and by speculation they had hoped to thrive.

For twenty-four hours something was pardoned to your presumed natural trepidation, since our blamelessness having been alleged to you by those here whom it was your duty to believe, it seemed only prudent to await your recovery.

For the next twenty-four hours, from instant to moment, it was expected that you would hasten to confess and repair your mistake. But the mistake thus prolonged grew to the proportions of a crime; and till the discovery of the forger stripped its mask off and disclosed the inspiring cause of the act, it grew monstrous hourly in men's eyes.

We were patient, that the immeasurable infamy of the act might swell to its full proportions, and stand complete.

By the recall of your arbitrary order, you have not made reparation for the wrong you have done. The injury and the insult yet remain. The violation of the Constitution stands recorded, and unless adequately atoned, becomes a fatal precedent. For the purpose of gratifying an ignoble partisan resentment you have struck down the rights of the press, you have violated personal liberty, subjected property to unjust seizure, ostentatiously placed force above law, setting a dangerous example to those who love force more than they respect law; and thus, and by attempting to crush the organs of free discussion, have striven to make free elections impossible, and break down all the safeguards of representative government.

It is you that in this transaction stand accused before the people. It is you who are conspicuously guilty. It is upon you that history, when recording these events, will affix the crime of a disregard of your duty, oblivion of your oath, and a pitiable subserviency to party prejudice and to personal ambition, when the country demanded in the presidential office elevated character, devotion to duty, and entire self-abnegation.

But you are not to be left to the judgment of history alone. Thank God, by the provisions of our Constitution, not yet wholly abrogated, the people are soon to pass upon your claims to re-election, and the right of impeachment yet remains to their representatives. The people and their representatives have the right to speak, when the pen is struck from the hands of a freeman by the bayonet;

when the Bastile, once broken down on the other side of the Atlantic by the reverberation of our Revolution, is reconstructed here.

In stormy times like these, amid dangers with which an unsuppressed rebellion environs us, his would have been a rash hand which had hastily set in motion for another purpose than the suppression of rebellion, the machinery of justice; who had invoked against the disloyalty of rulers the retribution and redresses of the law. The danger of such a conflict of authority is so far passed, that not even a president could now plead national safety as an excuse for refusing to do justice or submit to judgment.

Yet no citizen who regards his duties should ever hesitate, at the last, to oppose lawless deeds with legal remedies. The law may break down. It will then disclose to a watchful people the point of greatest danger. Courts may fail; judges may be intimidated by threats or bribed by the allurements of power, and those who have sworn to execute the laws may shrink from the fulfilment of their oaths. A craven Congress may sit silent, and idly watch the perishing liberties of the people whom they represent, but this cannot deter him, who, in defending his rights, is determined to do his whole duty, and to whom it is still competent to commit the final issue to that Power, omnipotent and inscrutable, which presides in events and sways the destinies of nations and the hearts of men.

MANTON MARBLE

NEW YORK, May 23, 1861.

#### Historical Notes.

[From the *Journal of Commerce*.]

We request our readers to peruse carefully an article published on the outside of this paper, which was prepared as an editorial for our edition on Thursday morning last, and which some of our contemporaries have already kindly published.

During the day on Wednesday the editors of this paper had been diligently engaged in ascertaining General Dix's tracing the authorship of the forged proclamation, having, in conjunction with the *World*, offered a reward of \$500 for his detection, and in company with Mr. Marble, of the *World*, having placed in the hands of the general such facts as have subsequently enabled the authorities to arrest the guilty party. In the evening, at about 9 o'clock, our office was occupied by a military force, and officers were despatched to various parts of the city and Brooklyn, with brief and peremptory orders to arrest the editors and convey them to Fort Lafayette, by steamer, which was waiting to receive them at the Battery.

These orders came from the President, and no discretion was allowed to General Dix. We have the best reason to know that the general himself was earnestly opposed to the proceeding, and exonerated himself strenuously to induce a suspension of the arbitrary act. The highest praise is due to General Dix for the course he pursued in the matter, and we have not the slightest doubt that the correspondence between him and the War Department, if it ever sees the light, will exhibit him in the character of a faithful defender of the rights of the person and the press in America. We pause also to say that the officers of his staff, and

the officers who were placed in charge of our office (Captain Cundy and Lieutenant Wall), were exceedingly courteous and gentlemanly in the performance of an unpleasant duty, and we beg them to accept our hearty acknowledgment.

Two of the editors of the *Journal* were arrested. One of them, Mr. Haleck, was in the office at the time of the seizure. Mr. Prince, who had left but a few moments before and gone up town, heard by mere accident of the orders, and at once finding one of General Dix's staff, who was charged with their execution, surrendered himself, and was by him conveyed to Headquarters. He was there received with great courtesy by General Dix, who informed him that the order for his arrest had been suspended, but that the order to hold the newspaper remained in force, and he could not be permitted to enter the office. Mr. Stone, having heard at his residence in Brooklyn that the office was occupied by the military, at once proceeded to New-York to find his associates and ascertain the nature of the difficulty, and learning of their arrest he spent the night in endeavoring to find the officers having them in charge—a search which was unsuccessful till about three o'clock. Meantime the officers had visited his house, and informed Mrs. Stone that they were seeking him to convey him to Fort Lafayette, and she was left through the night in the deepest anxiety as to his fate. Mr. Haleck was very kindly allowed to arrange some office matters of importance, and to write a note to his family, who were of course thrown into the greatest distress by its receipt. He was then conveyed in a carriage to the Battery, where the commanding officer found him, and he was released. The editorial reunion was after much searching and anxiety finally effected at the office of the Associated Press at 3 in the morning.

From 9 o'clock on Wednesday night till 11 o'clock on Saturday morning our office was held by a detachment of soldiers, and the people of this city had an excellent opportunity of seeing that strange sight to American eyes, before it ceased at the door of a newspaper establishment.

During this time we made no representation or application of any kind to the United States authorities. We contented ourselves with an occasional inquiry at headquarters whether any new orders were received, receiving a negative reply until Saturday, when an order was given us requiring the editor in chief to report over the office of the *Journal of Commerce* to "the batter."

We have thus briefly recited the history of the suspension of the *Journal of Commerce* and the arrest of its editors.

Even now for a moment to the origin of the frantic pitch was perpetrated on us.

The forger has been arrested, and has made his confession. Our article for Thursday morning pointed to the man.

Mr. Joseph Howard, the guilty individual, was educated to the newspaper business on the *New-York Times*, and is familiarly known as "Howard of the Times." He was a thorough newspaperman, full liar with all the facts necessary to accomplish his purpose. He was a favorite contributor to the *Independent*, president of the First Republican Association in Brooklyn, long a member of the Rev. Mr. Beecher's church, member of the Republican Committee of Kings county, and employed lately in a subordinate position on the *Eagle*. He is well known in radical circles, the intimate associate of the most eminent of their politicians, and it is a singular circumstance, which we have thought it our duty to lay before the authorities, that on Thursday last he stated to one of our reporters that he had been drinking champagne all the previous night with one of the most prominent Republican politicians in this city, who is known to be a heavy stock operator. We do not make this curious catalogue. It is a remarkable concatenation of facts, and we give it as it stands.

The ingenious rump, for stock operations, committed the forgery and entangled the newspapers. The particulars are published elsewhere.

We entertain no feeling of animosity toward the young man. He has done us a great, in some respects an irreparable injury. We understand that his father and Rev. Mr. Beecher and other prominent gentlemen of the radical party have waited on Gen'l Dix, with earnest representations in his favor, stating that he was misled by pecuniary misfortune, or else that he was a weak tool in the hands of wily men, and that his punishment ought to be light and his release speedy. Possibly these representations will be successful, and if the immense damage done by government to the innocent, the family suffering indicted, and the pecuniary loss

raised to us and our contempary, should all be credited to the account of the guilty young man, it might be made to appear that the punishment was already nearly adequate. But we have nothing to do with the punishment of the guilty, leaving him to his political friends who have influence at Washington. Our present concern relates only to the treatment of the innocent.

We were caught, as were others—not the New-York Woman's, anti-slavery papers, who by pure accident, and in the gels, were enabled to discover the fraud in time to suppress immense editions already printed, destroy those paper's containing the forgery, and save their reputations. We suffered.

They would not have been punished as we were, had they published it. No one dreams that if the radiat news-papers had been caught, the administration would have pursued the course they took. It was one of the accidents of the morning, that while only a few hundred copies of the *Herald* were sent out containing it, two conservative papers issued it in a large part of their editions. Then arose the storm of political hatred and partisan animosity, and the men at Washington went mad.

To the disgrace of American history, an order was instantly issued for suspension and incarceration in Fort L'fayette. The fullst particulars of the fraud, as full as the public have to-day, excepting only the name of the forger, were laid before the administration by telegraph. To the disgrace of Republican institutions, the order was reiterated in the face of those facts. The telegraph wires groaned with dispatches from loyal leaders, like's of "Howard of the Times," members of Republican committees and anti-slavery churches, begging the President to suppress the copperhead news-papers in New-York. For three days this disgraceful state of things continued, and the sun shone all the while on the land that was cursed with such labiatians.

The press of New-York city, excepting only the *Times*, was frank and outspoken in condemning the whole proceeding. Especially should it be noticed that the *Tribune*, the *Post*, the *Sun*, and the *Commercial Advertiser*, were true to old and noble principles. We regret that the *Post* subsequently lost its columns to a correspondent whose pen overflowed with folly, falsehood and malignity.

What had we done to be thus delivered over to ruin?

We call to witness the respectable newspaper press from Atlantic to Pacific, when we say it was impossible by any degree of caution, to prevent such a recurrence. There is not a newspaper editor in America who, had he been in our office, would not appeal the cause pursued by our former, and free him from all blame. Nor can any living man by any degree of care or ingenuity make him off or his business safe against fraud. Show us the man that dares boast of such immunity.

Mark this. We have within three years done more than fifty thousand dollars worth of zig-zagging advertising for this same administration, who have sent us orders innumerable to hurt up officers, to annulce drafts, to proclaim this or that, every order coming to us in almost *full simile* of this forged dispatch, and with no verification whatever. There is so really a night in the year that the War Department does not not send us, in manifold paper, now in this and now in that handwriting, at 1, 2, 3, or 4 o'clock, some such proclamation or order. If we should refuse to publish one of these we should be denounced as copperheads. If we demanded verification or pay we should be hooted at as traitors. Nay, more, we were ourselves arrested, and our paper was suppressed by a supposed order from Washington, written by a telegraphic operator, which General Dix took at least, because he had seen others that resembled it, which were true!

We have no defense of ourselves to make. We had done no wrong. We were victims of fraud, and the President, in a moment of evil judgment, resolved to pin on our misfortune, and buried in us the mandate of a strong power, destroying our property, and inflicting let alone a vast pecuniary damage, but a greater personal wrong and injury. We have asked no pardon from him. The cleaved hand of man that strikes with passion's blow on the rock is brusied, and cannot for long time recover the self inflicted injury. The arm of authority when it wields the sword of anger against the spotless steel of innocence wastes the vigor of its主人 and turns the edge of the weapon. The voice of despotism thundered ever so loudly against the pure dies feebly on the

wind, and its tones become forever powerless. It is not we that have been harmed so much as he who has so fiercely struck at us. We are grieved for him. He has withdrawn his grasp and we are again free. And now for the private wrong done us, we find in him no ears to forgive him. It was, perhaps, an error of petulance or a mistake of poor judgment. Let it pass for awhile, till he and we can think it over in quiet times.

The public wrong which involves each mighty interest—the Constitution, the sacred ~~and~~ <sup>and</sup> flag, the liberty of the press, the freedom of the citizen from unjust search and seizure of his person or property, the freedom from arrest, except on warrants duly authorized, the right to be confronted by accusers, to trial by jury—this great wrong we have no power to pardon. Two thousand years ago the Romans enacted the law of *Populus Portius Lata*, which authorized an appeal to the Roman people. In the time of Paul that had been easily changed to the appeal to Caesar, for Caesar had grasped the power of the people. We possess the law in its original purity, and by that appeal must this whole act be judged.

We thank our friends for their hearty support. We thank many, very many gentlemen of the Republican party for their outspoken expressions of opinion. We cling to their own shame the contemptible catalogue of men who "stopped" their papers, exacting out of traitor and honoring those who on Saturday come boldly to us and said, "We stand because we thought you were wrong, we renew because we know you were wrong."

But what Americans what is to be said for our country and her prospects under the guidance of those who can be so erring, so foolish, so weak? Does it shake our faith in the future? Does it open to us any new view of doubt or despair? In no wise. Patient, patient! On the last day that we issued our paper we spoke in earnest tones, beseeching our countrymen to be patient and faithful. Faithful to the old cause, the old Union, the old Constitution. These men that lead us in the mad course of radicalism are but the men of a day. They cannot save our country. They will vanish from our sight ere long. Their deeds will follow them into oblivion or shame; and then, by the peaceful recurrence of our national election, we shall be placed in the position to save the great old fabric of free institutions.

From the distant battle-fields the thunder of cannon reaches our ears to-night, and we know that our brothers and sons are struggling, not for a new country, but for the old land that was given by our fathers. Let us be patient and labor, doing our duty here, in whatever of pain and persecution, under all the obloquy and reproach that the men who desire to overturn our time honored system may heap on us. Let no personal wrongs or private griefs shake our faith or lessen our zeal for the truth we uphold, for the principles by which our nation is to be saved if saved at all. The majesty of the law must be revered in our hearts even if violated in our persons, and it will yet be triumphant.

It was a sad and sombrest solemn view for an American, that rush of the busy world along the street, by the guarded doorway of a suppressed newspaper. It was not for this, sombrely thought, it was not for this our brave boys were dying on the field. Men nobly arrived from foreign lands were unable to explain to themselves the strange sight. Some citizens went along chuckling complacently over the accomplished suppression of a free press; but these were few, very few in New-York, and in the vast throng, in the main, passed by with saddened countenances.

The dim sight of a man who was cloistered with the mist of tears when this sorrowful exhibition of haplessness was made in our great commercial street. The exceeding beauty of our national character was marred; the splendor of our historic freedom was tarnished; the glory of our American boast was gone. A man of nearly thirty years, born in New-York, whose long and peaceful life had blessed himself and benefited his country, as he passed along the street uttered a deep sorrowful wish that God had let him die before his old eyes looked on such a scene. You, men, strong and earnest, were not moved to tears, but resolved that henceforth they would recall the old traditions, restore if they might the old laws, and be content, when the land was again as of old—united and free—to say their *mancum dimitit*. Not till then! Oh, not till then! God grant that we may live and work, till this story is remembered as a hideous dream, and from ocean to ocean the breeze that sweeps down from our mountains shall again be the breath of freedom.

## The Recent Proceedings Against the Press.

[From the Albany Atlas and Argus, May 23.]

In common with tens of thousands of our fellow-citizens, we have deplored the expression of indignation at the recent arbitrary course of the government in regard to the Denvers in press of New-York city. We saw in it one of the errors in which the administration, in every occasion, blunders, from its mere want of intelligent capacity. It was an injury and an outrage; but men do not always resent the injustice they receive from foolish and incapable men. We, like others, bore as patiently as we could with his insolent and belligerent folly, because we regarded it as the result of passion and ignorance. It has no longer this excuse. The expression of the two former has been persisted in after the failure of the process of no official seizure has been fully executed. We believe that the occasion was seized upon, and the courage has been inspired in, for the purpose of intimidating the press. The simultaneous seizure of Governor McDowell of the Ohio Crisis, accompanied by accusation, and in violation of law, confirms this suspicion. These and other acts of the man at Washington seem to show that they have grown reckless and desperate with fear, and that they no longer look to public opinion to sustain them, but to force. We do not mean to make these acts of violence the occasion of invectives against our rulers at Washington, or of rebelling openly in favor of the liberty of the press, or the rights of person and property. The day for that has gone by. It behoves citizens of the states to consult, to decide like this, in regard to what action shall be taken—not what words shall be uttered—to protect their rights.

We see that the Democrats of the New York delegation in Congress have met for such a meeting. They are honorable men, and men of courage, and know their duty and how to fulfill it. But if they will not venture to give advice, we would urge them to abandon their seats in Congress and return home to their constituents. When such acts of violence occur and persist in, constituting an invasion of the state and the overthrow of city laws, by military power, the party which a representative of the state plays is the federal Congress ceases to be honorable or useful. There is nothing in the position of a member of Congress at this time upon which the people look with much favor. Two straggle of Democratic members to restore to the chamber their representative character, and to make the legislative body the organ of the people, under the Constitution, have been in vain. Equally fruitless has been the effort to expose the corruption or to correct abuses, or to restrain or punish a usurper. The struggle may be pursued until it shall be won, and may become disgraceful. Let the Democratic members leave their seats in a body and come home! Mr. Broome and his colleagues of the New York delegation, Mr. Cox and the delegates from Ohio, can find among their constituents a wider and nobler field of usefulness than they now fill. Their silence—their absence, will speak louder than eloquently and impressively as any words they can utter.

What remains to be done, in the execution of the laws to repress such injuries, will be done by the civil power of the state, and by the executive as its head. Our system of laws do not provide preventive measures for offenses like these. But it suffices to enforce responsibility upon the authors. Since the words were written, we learn that the order of suppression has been revoked, the militaries have given up protection of the prohibited journals, and the usurping and belligerent oligarchs have been removed from Fort Lafayette. The universal expression of indignation from the press and the public has told even on the callous apprehension of the President and his cabinet.

The insult and the wrong remain. The wanton injury to persons and property is unatoned. The offense, if allowed to pass by with impunity, becomes a precedent for future wrongs. It is intended by Messrs. Lincoln, Seward and Co., as an entering wedge of usurpation, and if they find the public mood will bear it, the war will break out. Well-intended! We retract none of them. We believe that the advice we have given to our members of Congress will be urged upon them by the Democrats and the Democratic journals of all the states. Let them consider it wisely; and let the people, too, reflect upon what they may be called to do, should such outrages be repeated.

## Suppression of Newspapers—Review of The Course of the Administration.

[From the Evening Post, Republican.]

There be any right which the founders of our gov-

ernment sought to guard from violation, a right special care, it is the right freely to discuss political questions and public measures by means of the press. Accordingly, the Constitution of the United States provides that Congress shall make no law abridging the freedom of speech or of the press, and in another article declares that "the right of the people to be secure in their persons, houses, papers, and effects, from unreasonable searches and seizures, shall not be violated." The freedom of the press is asserted in this article of the Constitution as the fundamental right of the people to hold a dignified and intelligent discussion of their affairs. It is therefore with pain that we see the files of any of our journals entered by the agents of the government, and their publication stopped, at the command of the Executive. We can but mean to say that there is no case in which the military power ought to interfere to prevent the publication of a newspaper manifestly reflecting treason and rebellion in a part of the country for the possession of which the rebel government is contending with ours, and in which the suppression of the delinquent journal becomes a military necessity. But the necessity ought to be clear, and the power of interference ought to be confined to the cases we have mentioned. In all other instances the punishment of sedition should be left to the ordinary remedies provided by law. The publishers of the offending journals may be arraigned, tried, convicted and sentenced; a decision where it is pretty certain that they are accomplices of those who are at war with our country, more severe penal measures may be justified. Let us march a procession of armed men to the office of a journal and stop its publication, in a part of the country which has not been placed, and which there is no necessity of protecting, under martial law, is a proceeding which has a strange aspect when we compare it with the constitutional provisions by which the rights of the press are so zealously guarded from violation. We cannot, therefore, but join in the hope expressed by some of the evening papers that the order for the suppression of these journals will be immediately rescinded; and this not so much for the reason that the publishers might have been entirely unaware that the pretended proclamation was a forgery, as for the higher and stronger reason that the order is an extreme measure, suited only to a state of things which does not exist in this community, and for which the plea of necessity cannot be urged. As much severity as you please against those who are guilty of the injury or who favored it, the public feeling will approve it, but that severity should be combined with a manifest desire to infringe none of those rights of the citizen which a wise government ought to cherish with a scrupulous regard.

[From the Tribune, May 21.]

There was a rumor last evening that the order closing the offices of *The Journal of Commerce* and *The New-York World* had been rescinded. We trust it is true, and that those journals are to be no longer subjected to so serious an infirmity with impunity. A government can commit no greater mistake than the infliction of punishment for an act where no guilt of intention can be imputed to the parties concerned, and where they were simply the dupes of some designing knave.

[From the same.]

The real facts which led to the publication of this monstrous forgery were not, we presume, known yesterday in Washington, or the suspension of the two journals would not, we suppose, have been ordered. The order, no doubt, will be revoked to-day, we hope, with, for certain, no journal should be punished for a mistake which might have very innocently been committed by the most loyal paper in the land.

[From the New York Commercial (Rep.).]

It is evident that the journals in question acted innocently, and that they had no intention to mislead or to be parties to the fraud committed. The Tribune half a mile from it would not be suspected of the document had it been left at the office, and it was the omission to favor the Tribune that put some other papers on their guard, and so invited the fatal necessity which led Secretary Stanton to commit the grievous error by which he has again shown his contempt for the freedom of the newspaper press. It is about a time since Mr. Seward was led to put forth a forged document, and to make it the basis of diplomatic action, that the Washington authorities should be liable to this—when in the same way. The forged naval navy report has done us immensely more harm than this bogus proclamation possibly could do. Yet the "gentlemen in New-York" who

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invented it, and palmed it off as a *jeu d'esprit*, has not been troubled, and the Secretary of State, who was particularly "brought to grief" by it, has shown no signs of reparation against the author. A more recent fraud is the correspondence between Lyons and Jeff. Davis, or rather the clerk of the latter, and which was made the subject of an elaborate editorial in the Post. The savagery even of the highest official may sometimes be at fault, and he should demand no more of others than he is willing to assume for himself. It is to be hoped that by this time the facts in regard to the publication of this proclamation are known in Washington, and that wisdom enough will be manifested there to revoke the order against these two journals. *It is fully time that arbitrary and unjustifiable procedure be brought to an end.* The sentiment that found expression when the attempt was made to throttle freedom of debate on the floor of Congress, has not lost its force when presses are suspended for acts entirely without design or thought of criminality.

[From the New Haven, Rad. col.]

Some time since, a Mr. Clapp, of Westchester county, was arrested and sent to Fort Lafayette by General Dix upon the suspicion of his being implicated in the bands committed in connection with volume errors mentioned. As the matter involved military interests, public opinion remained silent notwithstanding that Mr. Clapp was a citizen and not a military man, and consequently amenable only to civil courts as long as martial law had not been proclaimed. A day or two ago Colonel Arguello, a Spanish subject, was deemed guilty of having trafficked in slaves in Cuba, and he was not only arrested, but summarily condemned, though no extradition treaty between this country and Spain exists. An individual requested him to accompany him to attend to some urgent business; at the door they found a carriage waiting, in which Colonel Arguello was driven away without being allowed time to exporticate or bid his family farewell.

Mr. Seward merely put into practice his doctrine with regard to the respect due to individual liberty, which is conformable to that of Louis Napoleon. As it was a crime against liberty that Col. Arguello was tried, the affair passed over quietly. On Thursday two newspapers were suppressed, and bayonets, whether intelligent or not, placed in the stead of the editorial pens. This is a more serious matter, and we are astounded that an item has protest was not at once registered, and an appeal made to secure observance of the inviolable right of property and of the respect due the law. Are we in a state of siege? Have our courts and civil law been abolished and replaced by martial law and courts martial? Our courts and judges may perhaps be replaced by a band of soldiers in camp. Is this just? Is it legal? Is it politic? Has any general whatever the

right to cause detriment to property which may belong to a thousand individuals all of them entirely innocent and ignorant of an error committed even without the knowledge of their representative, the chief editor, and to trample upon the fundamental law of all society and the right of property.

An act has been committed which the law holds as a crime or an offense; it is for the law and its judges to take cognizance of it, and not the administration through its generals. We have had swindling slave-stealing, and the circulation of false news summarily disposed of, and to-day we have been warned by friends that it will not be allowed us in future to discuss the military worth of General Grant, as the administration have placed him above the laws and above criticism. To-morrow we may be threatened for discussing Lincoln and his re-election, and at last Mr. Seward's bill will be supreme and sole law in the country.

(From the Hartford Daily Courant (Republican) May 19.)

The manner in which the forgery, purporting to be a proclamation from President Lincoln, was contrived and executed, indicates thorough acquaintance with the arrangements of the Associated Press and with the regulations of newspaper offices. It was written on manifold sheets, such as are always used in sending despatches to the press, and regularly pagged. It was carried to the different offices at a late hour after the editors had left, and just before the papers went to press. Important despatches often come at such times, and the mode and extent of their publication is left to the judgment of the foreman. Of course, there was no time for investigation. It was necessary to decide at once. Under such circumstances the appearance of the forgery in a number of papers is not to be wondered at. For some reason a copy was not sent to the Tribune. This fact being learned accidentally in one case, and by inquiry in another, prevented two other papers from publishing the document.

[From the Springfield Republican, May 20.]

The New-York World and Journal of Commerce establishments were taken possession of by order of General Dix on Wednesday and the papers were not issued on Thursday morning. Both papers were victims of the proclamation hoax, and the proprietors of the Journal of Commerce believed in its genuineness and refused to withdraw it for several hours after its character had been made known by despatches from Washington. Both papers subsequently issued bulletins making known the facts, and it is evident that in neither case was there any complicity with the fraud. The proprietors of the two papers made formal protest against the stoppage of their business, and there is no doubt that the government will remove the embargo and allow them to go on.